

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANDRE SHIELDS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:07-cv-00887-PWG
)	
JUDGE HUB HARRINGTON, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on May 31, 2007, recommending that this action be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), with leave for the plaintiff to assert a *habeas* petition under 28 U.S.C. § 2254 after he has exhausted his available state remedies. The magistrate judge further recommended, because of the particular circumstances presented in this case, that no court costs be taxed in this action. (Doc. #2). The plaintiff filed objections to the report and recommendation on June 7, 2007. (Doc. #3).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1), without prejudice to the plaintiff's right to file a separate *habeas* petition under 28 U.S.C. § 2254 after he has exhausted his available state remedies. The court also accepts the

magistrate judge's recommendation that no costs be taxed in this action. A Final Judgment will be entered.

The Clerk is **DIRECTED** to serve a copy of this order upon the plaintiff, along with two copies of the § 2254 petition form and a copy of the Final Judgment entered contemporaneously herewith.

DATED this 30th day of July, 2007.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
CHIEF UNITED STATES DISTRICT JUDGE